

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

| | | |
|---|---|-------------------------------|
| Nicholas Brundage, |) | C/A No. 4:16-cv-01603-TLW-TER |
| |) | |
| Plaintiff, |) | |
| |) | ORDER |
| vs. |) | |
| |) | |
| Mr. McRee, Doctor; Miss Carol Hamilton, NP; Ms. E.) |) | |
| Holcomb, NP; Doctor Ingram; Doctor Compton; |) | |
| and Doctor Shafer, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

This case is before the Court due to the Plaintiff's, Nicholas Brundage ("Plaintiff"), failure to comply with the Magistrate Judge's Order of May 25, 2016 directing the Plaintiff to bring the above-captioned case into proper form or face dismissal of the action. (ECF No. 8).

A review of the record indicates that Magistrate Judge Thomas E. Rogers ordered the Plaintiff to submit documents to the Court that were necessary to bring the case into proper form within twenty-one (21) days. (ECF No. 8). The Magistrate Judge's Order specifically informed the Plaintiff that failure to submit the necessary documents would subject this case to dismissal. The Court has not received a response from the Plaintiff. The deadline for Plaintiff to comply with the Order expired on June 20, 2016. Plaintiff was mailed a copy of the Order at the address he provided, and the mail was not returned to the Court. (See ECF No. 9). Thus, the Court presumes that Plaintiff received the Order, but has neglected to comply, and intends to abandon the above-captioned case.

Plaintiff's lack of response to the Order indicates he does not intend to prosecute this case, and subjects this case to dismissal for failure to prosecute or to comply with an Order of the Court pursuant to Federal Rule of Civil Procedure 41(b). See Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a plaintiff fails to comply with an order of the court.); see also Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989) (holding dismissal with prejudice appropriate when warning given); Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982) (holding that district courts may dismiss sua sponte).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

s/ Terry L. Wooten
The Honorable Terry L. Wooten
Chief United States District Judge

June 30, 2016
Columbia, South Carolina